

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ALFRED T. GIULIANO, CH. 7 TRUSTEE	:	
FOR THE ESTATE OF WEISMAN	:	
DISCOUNT HOME CENTERS, INC.,	:	
Plaintiff/ Judgment	:	Case No.: Misc 11-753
Creditor,	:	
	:	
-against-	:	<b><u>ORDER TO SHOW CAUSE</u></b>
	:	
N.B. MARBLE & GRANITE INC.,	:	
	:	
Defendant/ Judgment	:	
Debtor.	:	

**WARNING:**  
**YOUR FAILURE TO APPEAR IN COURT**  
**MAY RESULT IN YOUR IMMEDIATE**  
**ARREST AND IMPRISONMENT FOR**  
**CONTEMPT OF COURT**

**NOTICE**  
**THE PURPOSE OF THE HEARING**  
**IS TO PUNISH YOU FOR CONTEMPT OF COURT,**  
**AND SUCH PUNISHMENT MAY**  
**CONSIST OF A FINE**  
**OR IMPRISONMENT, OR BOTH**  
**ACCORDING TO THE LAW**

Upon the annexed declaration of Oksana G. Wright, dated January 16, 2014, the exhibits annexed thereto, the accompanying memorandum of law, and the pleadings herein it is ORDERED, that defendant, N.B. Marble & Granite Inc. (“N.B. Marble”) and its CEO and principal executive officer, Onafrio Papia (“Papia”), show cause before this Court at Room 504N United States Courthouse, 225 Cadman Plaza, New York, New York, on Feb 20 2014, at 10 o’clock, why an order should not be issued pursuant to Rule 69 of the Federal Rules of Civil Procedure (“FRCP”) and Sections 403(d), 5210, 5251, 5223, 2308(b), 5104 and Rule 5224(a) of the New York Civil Practice Law and Rules (“N.Y. CPLR”) and Sections 753, 756, 773 of the New York Judiciary Law (“Judiciary Law”):

(a) Compelling Mr. Papia to respond to the information subpoena served upon him on September 28, 2013;

(b) holding Mr. Papia in contempt of Court in such manner and/or in such amount as the Court deems just and proper (including any sanctions, arrest, and imprisonment), for willfully refusing and failing to comply with the information subpoena served upon him;

(b) requiring Mr. Papia to pay Plaintiff's costs and attorney's fees expended in connection with this motion;

(c) holding N.B. Marble in contempt of Court in such manner and/or in such amount as the Court deems just and proper, for willfully refusing and failing to comply with the Court's September 10, 2013 Order; and

(c) for such other and further relief as this Court may deem just, proper and equitable.

**ORDERED** that personal service of this order, annexed declaration, exhibits, and memorandum of law upon Onafrio Papia on or before 5 p.m. Jan. 30, 2014 shall be deemed good and sufficient service thereof.

**IT IS FURTHER ORDERED**, that defendant shall serve any answering or responsive papers upon Fox Rothschild, LLP, 100 Park Avenue, 15<sup>th</sup> Floor, New York, New York 10017, attorneys for plaintiff, so that said papers are received by said attorneys no later than Feb 12, 2014.

Any reply papers shall be served by Feb. 18, 2014 e.p.m.

DATED: New York, New York

ISSUED January 24,  
2014

/VMS

W. J. St. John  
United States District Judge

pro tem